

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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:  
CECIL MCKENZIE,

Plaintiff,

-v.-

CITY OF NEW YORK, et al.,

Defendants.  
:  
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ORDER

: 18 Civ. 6913 (VEC) (GWG)

GABRIEL W. GORENSTEIN, UNITED STATES MAGISTRATE JUDGE

The Court issues this Order to address two issues: plaintiff's address and plaintiff's response to defendants' motion for summary judgment.

Plaintiff's Address

The Department of Corrections' Inmate Lookup website shows that plaintiff is currently at the Fishkill Correctional Facility. Plaintiff never informed the Court of this address change. The Court notes that it mailed plaintiff a notice on April 11, 2019, informing him that it was his responsibility to "notify the court in writing, even if you are incarcerated and transferred to another facility" of any changes to his contact information. He was also provided a change of address form at the same time. The Clerk is now directed to change plaintiff's address on the docket sheet to:

Cecil Mckenzie  
#17A0666  
Fishkill Correctional Facility  
271 Matteawan Road  
P.O. Box 1245  
Beacon, New York 12508-0307

Defendants' Motion Papers

The defendants filed a motion for summary judgment on March 6, 2020. By Order dated February 7, 2020, plaintiff was required to file his papers opposing the defendants' motion by April 17, 2020. No such papers were filed, however.

It is unclear if plaintiff received a copy of the defendants' papers. Accordingly, the

defendants are ordered to re-mail their summary judgment papers to plaintiff and to file proof of service of the mailing within 7 days. Defendants shall include in the motion papers a copy of this Order.


Because of plaintiff's pro se status, the Court will give plaintiff another opportunity to file papers opposing the defendants' motion. Plaintiff shall file his opposition by June 5, 2020. He may file his papers by mailing them to Pro Se Docketing, 500 Pearl Street, New York, NY 10007. The defendants shall respond within 14 days of the filing.

Mr. McKenzie is warned that if he fails to comply to this Order by filing a response to the defendants' motion, this case may be dismissed for failure to prosecute under Rule 41 of the Federal Rules of Civil Procedure. If plaintiff has a good reason for seeking a further extension, he may send a letter to the Court so requesting and explaining his reasons.

The Clerk of Court is directed to mail a copy of this Order to Cecil McKenzie, #17A0666, at Fishkill Correctional Facility, 271 Matteawan Road, P.O. Box 1245, Beacon, New York 12508-0307 and, as noted above, update plaintiff's address on ECF.

SO ORDERED.

Dated: New York, New York  
May 4, 2020

  
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GABRIEL W. GORENSTEIN  
United States Magistrate Judge